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August 8, 2014

**VIA U.S. MAIL and E-MAIL**

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***RE: Northern New Mexico College***

Dear Mr. Montalbano:

This law firm represents the NNMC Board of Regents. I am in receipt of your July 25, 2014, letter regarding the multiple and voluminous IPRA requests filed by your client, Ms. Annette Rodriguez. The Board has authorized me to respond on its behalf to your expressed concerns.

First, as you may recognize, your client's submission of over 30 IPRA requests, each with multiple subparts, amounts to literally hundreds of data requests. The requests, in the aggregate, are unusual in their scope, volume, and logistical challenges, and the College is warranted in characterizing the requests as overly broad and unduly burdensome, so as to warrant additional time for response under IPRA. Furthermore, the statute does not require that your client's individual requests be viewed in a vacuum. Simply because one request might be something that could be gathered in two weeks does not mean that if there are 29 other requests that could be gathered in two weeks that it is reasonable to expect all thirty to be ready for response within the same two week period. The volume of requests amounts to thirty two-week projects. Thus, the demand in your letter for all 30 responses to be ready for inspection within 15 days is patently unreasonable and ignores the College's right under the statute to provide a reasonable time period for response that considers the burdensome nature and high volume of requests. For that reason, our last letter correctly set out a December deadline by which time all requests would be completed, with the caveat that you would receive each response, between now and December, as they became available.

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Please note that the College has been in close contact with the Attorney General's Office regarding Ms. Rodriguez's requests. Because of the unduly burdensome nature and unusual volume of the requests, the College wanted to ensure that its actions were compliant with IPRA, and for that reason, it has sought counsel on how to manage such high volumes of requests from one person, while not disrupting the operations of the College. Thus, if you would like to continue to copy your correspondence to the AG's Office, I can provide you with the name of the attorney who has been providing guidance to the College in this matter.

While the statute does not require the College to prioritize which of your client's demands should receive a response first, in an effort to be as responsive as possible, the College has reviewed all 30 requests and their hundreds of subparts to determine which responsive materials are more accessible or less voluminous, to determine which might be more easily turned around. To that end, my understanding is that the College will be providing today either electronic responses to the following requests, or where electronic review is unavailable, statements that the materials are ready for review upon appointment:

- Request #6: Responses regarding Michael Branch/Branch Realty
- Request #8: Responses regarding Monument/Pitcher/Strand
- Request #1: Request for Employee Information (inspection by appointment)
- Request #4: Request for Anthony's on Delta information

For the remaining responses, the College will provided by mid-week additional responses, along with a more specific schedule through December so that your client will know when to expect responses on particular requests.

In summary, between the College's efforts to pinpoint shorter responses for turnaround in the next week, and the schedule for responses requiring additional time, your client should have most of her requests completed by next week, with a reasonable schedule for completion of the rest over the next few months.

In addition, your reliance on Ms. Cordova's preliminary assessment of the schedule is misplaced. Ms. Cordova's earlier statement about expected turnaround were in error and were made without a complete assessment. The College, including Ms. Cordova, maintains that the nature of the requests in the aggregate qualifies them as unduly burdensome. The College is confident that any judge would agree that 30 requests with hundreds of subparts would qualify as unduly burdensome, warranting additional time.

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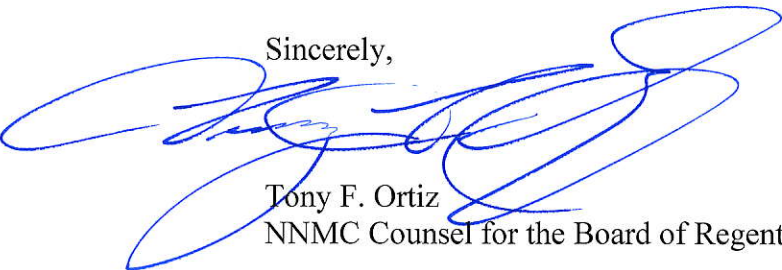
With regard to cost, the College has never asserted that cost is a legally valid reason not to respond or a factor in setting schedules for reasonable response. The College is committed to responding to such unduly burdensome requests within the confines of what is permitted and required by law. That being said, the simple fact remains that your client's actions are costing the public thousands of dollars in employee time --- money which otherwise could be used on student needs. But as you correctly point out, the College cannot consider that issue in responding.

Finally, in my previous letter, I had designated my office as the contact point for your client. Of course, the College was not designating me as the custodian of records. However, it was a reasonable response to what is perceived as your client's constant disruption of the administrative offices with phone calls, interruption of staff, and additional emails. Contrary to your suggestion, there is no right to talk to staff or to receive responses to emails whenever your client wants direct communication. That being said, the College is willing to have your client's future requests (assuming that she is planning more) go directly to Ms. Cordova, but please be advised that communication will only be in writing and will be limited to official responses regarding her IPRA requests, particularly since your client has now threatened legal action. The College also reserves the right to take appropriate legal action if your client's actions appear aimed at disrupting the operation of the College.

In short, the College has acted reasonably under the circumstances and considering the unduly burdensome nature of your client's requests. I remain hopeful that this will resolve our dispute. However, please know that if Ms. Rodriguez files claims, the College will consider all counterclaim options and will fully pursue collection of any remedies or costs available to it.

Thank you for your attention to this matter.

Sincerely,



Tony F. Ortiz  
NNMC Counsel for the Board of Regents

TFO/nmb

cc: New Mexico Attorney General's Office